

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

03cv11821 RGS

NEW ENGLAND PHOENIX CO., INC. )

Plaintiff, )

v. )

Civil Action No. )

WILLIAM E. LAVIN )

MAGISTRATE JUDGE Collings )

Defendant; )

RECEIVED 50440  
AMOUNT \$ 150  
SUMMONS ISSUED yes  
LOCAL RULE 4.1     
WAIVER FORM     
MCF ISSUED     
BY DPTY. CLK. E.O.M  
For money damages 9/19/03

**Introduction**

1. Plaintiff is assignee of a Massachusetts District Court judgment for money damages against defendant in the principal sum of \$133,428.62.

**Parties**

2. Plaintiff New England Phoenix Co., Inc. is a Massachusetts corporation having a place of business at 337 Freeport Street, Boston, Massachusetts 02122, Suffolk County.

3. Defendant William E. Lavin is an individual residing at 567 SE 16<sup>th</sup> Terrace, Melrose, Florida, Bradford County.

**Jurisdiction/Venue**

4. This Court has jurisdiction over this case under 28 U.S.C. § 1332. Venue is proper under 28 U.S.C. § 1391(a)(2).

**Facts**

5. On August 30, 1990, Shore Bank & Trust Company (Shore Bank) recovered a \$133,428.62 money judgment (the Judgment) against defendant, entered by the First District Court of Essex, Trial Court of the Commonwealth of Massachusetts, in the case styled Shore Bank & Trust Company v. Lavin, Docket No. 9036CV1519. The Judgment arises out of defendant's default in repayment of a commercial promissory note.

6. Defendant has made no payment toward satisfaction of the Judgment.
7. On November 9, 1994, the Federal Deposit Insurance Corporation, as Liquidating Agent of Shore Bank, assigned the Judgment to National Loan Investors, L.P. (NLI).
8. On September 30, 1999, NLI assigned the Judgment to H&S Investment Associates, LLC (H&S Investment).
9. On October 24, 2001, H&S Investment assigned the Judgment to plaintiff.
10. Plaintiff has made written demand on defendant for payment of the Judgment, but defendant has failed and refused to satisfy plaintiff's demand.
11. Defendant owes plaintiff the principal sum of \$133,428.62, plus accrued interest of \$226,273.43 as of September 17, 2003 under the terms of the Judgment. The per diem is \$47.49.

**Request for Relief**

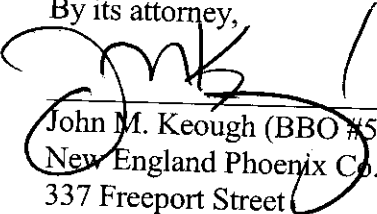
WHEREFORE, plaintiff prays that this Court:

- A. Enter judgment for money damages against defendant in the principal sum of \$133,428.62, plus accrued interest of \$226,273.43 as of 9/17/03, and further interest at the per diem rate of \$47.49 until the date of judgment, and costs;
- B. Award such other and further relief as is just and proper.

Respectfully submitted,

NEW ENGLAND PHOENIX CO., INC.

By its attorney,

  
John M. Keough (BBO #546729)

New England Phoenix Co., Inc.

337 Freeport Street

Boston MA 02122

Tel: (617) 288-0612

Dated: September 17, 2003